IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Crl.Rev.Pet.No. 1804 of 2007()

CRA.596/2006 of ADDL. DISTRICT & SESSIONS COURT FAST TRACK (ADHOC-II), KOZHIKODE
CC.166/2005 of CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE

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REVN. PETITIONER: APPELLANT/ACCUSED

P.USMAN, S/O. AMMAD, AGED 51,
PERINGOLAN, KAITHAKKAL P.O., PANAMARAM,
WAYANAD DISTRICT.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

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1. THE STATE OF KERALA, REPRESENTED BY
DIRECTOR GENERAL OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

2. M/S. ROYAL TIMBERS,
EAST KALLAI ROAD, MOORIYAD, KOZHIKODE-2,
REPRESENTED BY ITS MANAGING PARTNER,
V.T.CHANDRAN, AGED 58, S/O. CHATHUKUTTY.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1804 of 2007

Dated this the 24th day of May, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to imprisonment till the rising of the court and to pay a compensation of Rs.50,000/- to the complainant vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for one month.

2. On a consideration of evidence adduced in the matter, I find that the concurrent findings of the court below are fully supported by the evidence adduced in the matter. As noted in the findings of the court below, revision petitioner/accused did not have a consistent case. He has not adduced any direct evidence in the matter. Further, he has also paid a sum of Rs.60,000/- during the pendency of the proceedings. In the circumstances, I find no reason to interfere in the findings of the court below. The conviction and sentence is confirmed.

3. All the same considering the plea of the counsel for

the revision petitioner, revision petitioner is granted six months' time from today onwards to pay the amount of compensation. He shall appear before the Chief Judicial Magistrate Court-Kozhikode on 24.11.2007 to receive the sentence. Non bailable warrant, pending, if any shall be kept in abeyance till 24.11.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl